

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM DONALD CRUTCHER

COMPLAINANT

v.

LEXINGTON-SOUTH ELKHORN  
WATER DISTRICT

DEFENDANT

CASE NO. 94-184

ORDER TO SATISFY OR ANSWER

Lexington-South Elkhorn Water District ("Lexington-South Elkhorn") is hereby notified that it has been named as defendant in a formal complaint filed on May 5, 1994, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Lexington-South Elkhorn is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 11th day of May, 1994.

ATTEST:

Don Mills  
Executive Director

PUBLIC SERVICE COMMISSION

Don L. L. L.  
Chairman

Robert M. Davis  
Vice Chairman

Linda K. Beattiff  
Commissioner

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 05 1994

PUBLIC SERVICE  
COMMISSION

In the Matter of:

WILLIAM DONALD CRUTCHER )  
(Your Full Name) )  
COMPLAINANT )  
VS. )  
LEXINGTON SOUTH ELKHORN DIST. )  
WATER DISTRICT. )  
(Name of Utility) )  
DEFENDANT )

94.184

C O M P L A I N T

The complaint of WILLIAM DONALD CRUTCHER respectfully shows:  
(Your Full Name)

(a) WILLIAM DONALD CRUTCHER  
(Your Full Name)

667 MINT HILL LANE, LEXINGTON, KY. 40509  
(Your Address)

(b) LEXINGTON SOUTH ELKHORN WATER DISTRICT  
(Name of Utility)

20 WEST MAPLE ST., NICHOLASVILLE, KY. 40356  
(Address of Utility)

(c) That: SEE ATTACHMENT (1)  
(Describe here, attaching additional sheets if

necessary, the specific act, fully and clearly, or facts

that are the reason and basis for the complaint.)

WILLIAM DONALD CRUTCHER  
(Your Name)

VS

LEXINGTON SOUTH ELKHORN WATER DISTRICT  
(Utility Name)

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Wherefore, complainant asks THIS COMMISSION TO ORDER THE  
(Specifically state the

CONSTRUCTION OF AN EXTENSION TO THE EXISTING DRAKE'S LANE  
relief desired.)  
DISTRIBUTION MAIN TO A POINT ADJACENT TO COMPLAINANTS' PROPERTY  
PURSUANT TO 807 KAR 5.066 (11) AND 807 KAR 5.066 (12).

Dated at LEXINGTON, Kentucky, this 29<sup>th</sup> day  
(Your City)

of April, 1994.  
(Month)

William D. Crutcher  
(Your Signature)

David M. Sproull  
(Name and address of attorney, if any)  
DAVID M. SPROULL  
121 MALABU DR., SUITES 1&2  
LEXINGTON, KY. 40503(606) 276-5436

**WILLIAM CRUTCHER V. LEXINGTON SOUTH ELKHORN WATER DISTRICT**

**ATTACHMENT ONE**

(C) 1. Complainant, William D. Crutcher, is the owner of certain real property located on Drakes Lane in Jessamine County, Kentucky, and being within the service/operation area of Defendant, Lexington South Elkhorn Water District.

2. Defendant caused to be constructed a new distribution main or, alternatively, an extension to existing main on Drakes Lane in Jessamine County, Kentucky, for the express purpose of providing water service to area residents of Drakes Lane.

3. Despite repeated and timely requests by Complainant for service, Defendant intentionally failed to extend the distribution main to the property line of the Complainant or to a point in reasonable proximity thereof, thereby depriving the Complainant of access to water service.

4. That upon information and belief, Complainant's property on Drakes Lane is the only property left on Drakes Lane and within the service/operation area of the Defendant that is without access to water service.

5. Complainant further alleges, upon information and belief, that at the time of construction of the aforesaid extension, Complainant was the only African-American resident on Drakes Lane and within Defendant's service/operation area; accordingly, Complainant alleges that the denial of service by Defendant is due in whole or in part to his race, namely African-American.

6. That the above stated actions, or omissions to act, operate as a preferential and/or disparate treatment of Complainant, in violation of KRS 278.170 and 807 KAR 5:006, Sections 5 and 14.

7 That at all times relevant hereto, Complainant has been given various and inconsistent responses to his requests for access to service, and the denial of same by Defendant; Complainant is in fact, without water service and without other recourse to access to water service except by easement; requiring Complainant to obtain the necessary easements to gain water service or access to same would constitute a violation of 807 KAR 5:006 Section 5.

8. That Complainant has made verbal and written demands for an investigation of this matter, but Defendant has failed to conduct same, or to advise Complainant of the results of said investigation, if conducted, and further failed to provide written notice to Complainant of his right to file a Complaint with this Commission, all of which is violative of 807 KAR 5:006 Section 9.

  
WILLIAM D. CRUTCHER, COMPLAINANT